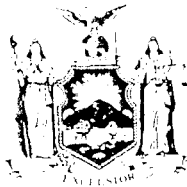


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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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MEMO ENDORSED

By Hand

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

November 30, 2007

Application granted.
SO ORDERED:

William H. Pauley III
WILLIAM H. PAULEY III U.S.D.J.
12/11/07

Re: Federal Express Corp. v. Brockington et al. (07 CV 4775) (WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those DHR proceedings.

On August 17, this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date at the joint request of the State defendants and plaintiff to November 30, 2007. We write now, on behalf of the State defendants and plaintiff jointly, to report on the status of the settlement.


Specifically, since the last status letter, I have not yet received a new draft of the settlement stipulation from plaintiff's counsel. In the meantime, the administrative hearing in this matter went forward during September, and the second week of November, and the Administrative Law Judge has stated her intention to schedule the continuation of the hearing in December.

In light of the ongoing administrative hearing, the parties therefore respectfully request that the Court set the new date for a status report as January 15, 2007.

Hon. William J. Pauley - November 30, 2007 - Re: Fed. Ex. v. Brockington - Page 2

Thank you for your assistance with this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth A. Forman", with a stylized flourish at the end.

Elizabeth A. Forman
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)
Colby S. Morgan, Esq. (by fax)
Mr. Isaac L. Brockington (by mail)